

EXHIBIT M

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

MICHAEL CROSSEY, DWAYNE THOMAS, : No. 108 MM 2020
IRVIN WEINREICH, BRENDA WEINREICH, :
AND THE PENNSYLVANIA ALLIANCE FOR :
RETIRED AMERICANS, :
:

Petitioners

v.

KATHY BOOCKVAR, SECRETARY OF THE :
COMMONWEALTH, AND JESSICA :
MATHIS, DIRECTOR OF THE BUREAU OF :
ELECTION SERVICES AND NOTARIES, :
:

Respondents

CONCURRING AND DISSENTING STATEMENT

CHIEF JUSTICE SAYLOR

FILED: August 21, 2020

I join in the grant of intervenor status to the Pennsylvania legislative leaders.

I would, however, accord the same to the Republican Party of Pennsylvania, the Republican National Committee, and the National Republican Congressional Committee. These Committees present numerous reasons why they have particularized interests in ensuring that Pennsylvania carries out free and fair elections in accordance with its validly enacted election laws. For example, the Committees explain that they devote substantial resources toward educating, mobilizing, assisting, and turning out voters and make contributions and expenditures in support of Republican candidates.

I agree with the Republican Committees' assertion that their present interests are at least on the same order as those of Petitioner the Pennsylvania Alliance for Retired Americans, which the Associated Press has reported is a "major Democratic political group." Jonathan Tamari, *A Key Democratic Group Is Suing to Ease Pennsylvania's Vote-By-Mail Laws*, THE PHILADELPHIA INQUIRER (Apr. 22, 2020) (adapted from Rick Bowmer, Associated Press). Significantly, as well, the present lawsuit is reportedly funded by "Priorities USA, the main super PAC supporting . . . presidential nominee Joe Biden." *Id.*

This litigation represents one of many high-stakes disputes between political organizations with differing constituencies unfolding across the country. I respectfully dissent to the associational interests of one side being represented to the exclusion of the other.

Justice Mundy joins this concurring and dissenting statement.